

**Rules of**  
**Department of Social Services**  
**Division 110—Division of Youth Services**  
**Chapter 5—Dual Jurisdiction**

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### Title 13—DEPARTMENT OF SOCIAL SERVICES

#### Division 110—Division of Youth Services Chapter 5—Dual Jurisdiction

#### 13 CSR 110-5.010 Dual Jurisdiction Procedures

*PURPOSE: The purpose of this rule is to define dual jurisdiction and its provisions and procedures.*

(1) Section 211.073, RSMo Supp. 1999 provides that a court may, in a case when the offender is under seventeen (17) years of age and has been transferred to a court of general jurisdiction pursuant to section 211.071 and whose prosecution results in a conviction or plea of guilty, invoke dual jurisdiction of both the criminal and juvenile codes. The court is authorized to impose a juvenile disposition under section 211.073 and, simultaneously, impose an adult criminal sentence, the execution of which shall be suspended. Successful completion of the juvenile disposition ordered shall be a condition of the suspended adult criminal sentence. The court may order an offender into the custody of the Division of Youth Services if—

(A) A facility is designed and built by the division specifically for these offenders and the division determines that space is available, based on the design capacity, in the facility; and

(B) The division agrees to such placement.

(2) The director or his/her designee shall interview and evaluate the offender to determine if the offender is appropriate for the dual jurisdiction program pursuant to section 211.073, RSMo.

(3) Upon approval or disapproval of the offender for dual jurisdiction commitment, the division director shall submit notification to the court for the reasons and conditions thereof.

(4) If there is probable cause to believe that the offender has violated a condition of the suspended sentence or has committed a new offense, the court shall conduct a hearing on the violation charged, unless the offender waives such hearing. If the violation is established the court may revoke the juvenile disposition, impose the adult criminal sentence, or enter such other order that they may see fit.

(5) When the offender has received a suspended sentence pursuant to section 211.073, RSMo and the division determines that the

youth is beyond the scope of its treatment programs, the division may petition the court for a transfer of custody of the offender. The court shall—

(A) Revoke the suspension and direct that the offender be taken into immediate custody of the Department of Corrections; or

(B) Direct that the offender be placed on probation.

(6) When an offender reaches the age of seventeen (17) the court shall hold a hearing. After such hearing the court shall—

(A) Revoke the suspension and direct that the offender be taken into immediate custody of the Department of Corrections;

(B) Direct that the offender be placed on probation; or

(C) Direct that the offender remain in the custody of the Division of Youth Services if the division agrees to such placement.

(7) The division shall petition the court before it releases an offender who has remained in its custody until the age of twenty-one (21). The court shall—

(A) Revoke the suspension and direct that the offender be taken into immediate custody of the Department of Corrections; or

(B) Direct that the offender be placed on probation.

(8) If the suspension of the adult criminal sentence is revoked, all time served by the offender under the juvenile disposition shall be credited toward the adult criminal sentence imposed.

*AUTHORITY: sections 211.073 and 219.036, RSMo 1994 and 219.016, RSMo Supp. 1999.\* Original rule filed Feb. 10, 2000, effective Aug. 30, 2000.*

*\*Original authority: 211.073, RSMo 1955, amended 1998; 219.016, RSMo 1975, amended 1993, 1995; 219.036, RSMo 1975, amended 1993.*